

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

KING MWASI,

Plaintiff,

v.

LUCKEN, *et al.*,

Defendants.

Case No. 1:21-cv-00702-JLT-BAM (PC)

**ORDER SETTING SETTLEMENT  
CONFERENCE**

Hearing: **Settlement Conference**

Date: **June 3, 2024**

Time: **8:30 a.m.**

Judge: **Christopher D. Baker**

Location: **CSP-COR**

Plaintiff King Mwasi (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The court has determined that this case will benefit from a settlement conference. Therefore, this case will be referred to Magistrate Judge Christopher D. Baker to conduct an **in-person settlement conference at the California State Prison, Corcoran (CSP-COR), 4001 King Avenue, Corcoran, CA 93212 on June 3, 2024 at 8:30 a.m.** The Court will issue any necessary transportation order in due course.

The parties shall each submit to Judge Baker a confidential settlement conference statement, as described below.

The Court puts the parties on notice that if Plaintiff has any outstanding criminal restitution obligation, fines and/or penalties, these settlement negotiations shall not be geared towards what the restitution obligation is, but what the value of the case itself is to each side,

1 irrespective of any outstanding restitution obligation.

2 Defendants shall be prepared to negotiate the merits of the case and offer more than a  
3 waiver of costs as a reasonable compromise to settle the case. The parties are also informed that  
4 an offer of dismissal in exchange for a waiver of costs is not considered good faith settlement  
5 negotiations.

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. This case is STAYED pending completion of the settlement conference and further order  
8 of the Court.
- 9 2. This case is set for an **in-person** settlement conference before Magistrate Judge  
10 Christopher D. Baker on **June 3, 2024 at 8:30 a.m. at CSP-COR.**
- 11 3. Each party or a representative with full authority to negotiate and enter into a binding  
12 settlement agreement shall participate in the conference. The failure of any counsel,  
13 party, or authorized person subject to this order to participate in the conference may result  
14 in the imposition of sanctions. The manner and timing of Plaintiff's transportation to and  
15 from the conference is within the discretion of CDCR.
- 16 4. Consideration of settlement is a serious matter that requires thorough preparation prior to  
17 the settlement conference. Participants in the conference must be prepared to discuss the  
18 claims, defenses, and damages.
- 19 5. The parties shall submit confidential settlement conference statements no later than **May**  
20 **20, 2024**. Defendants shall email their statement to [CDBorders@caed.uscourts.gov](mailto:CDBorders@caed.uscourts.gov).  
21 Plaintiff shall mail his statement, clearly captioned "Confidential Settlement Conference  
22 Statement," to United States District Court, Attn: Magistrate Judge Christopher D. Baker,  
23 510 19th Street, Suite 200, Bakersfield, CA 93301. Once the parties have submitted their  
24 statements, they shall file a "Notice of Submission of Confidential Settlement Conference  
25 Statement" with the court. The confidential settlement conference statements themselves  
26 **should not be filed** with the court **nor served** on the opposing party.
- 27 6. The confidential settlement conference statements should be no longer than 5 pages in  
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length and include:

- a. A brief statement of the facts of the case;
- b. A brief statement of the claims and defenses of the case, i.e., the statutory, constitutional, or other grounds upon which the claims are founded;
- c. A forthright discussion of the strengths and weaknesses of the case and an evaluation of the likelihood of prevailing on the claims or defenses, from the party's perspective, and a description of the major issues in dispute;
- d. An estimate of the party's expected costs and time to be expended for further discovery, pretrial matters, and trial;
- e. A summary of past settlement discussions, including the informal settlement negotiations required above; a statement of the party's current position on settlement, **including the amount the party would offer and accept to settle** (in specific dollar amounts); and a statement of the party's expectations for settlement discussions;
- f. An estimate of any restitution allocated to plaintiff, or other financial obligation assigned to plaintiff, that would affect the parties' settlement discussions;
- g. A list of the individuals who will be attending the conference on the party's behalf, including names and, if appropriate, titles; and,
- h. If a party intends to discuss the settlement of any other actions or claims not raised in this suit, a brief description of each action or claim, including case number(s), as applicable.

7. If a settlement is reached at any point during the stay of this action, the parties shall file a Notice of Settlement in accordance with Local Rule 160.
8. The parties remain obligated to keep the court informed of their current address at all times while the action is pending. Any change of address must be reported promptly to the court in a separate document captioned for this case and entitled "Notice of Change of Address." *See* Local Rule 182(f).

1 9. A failure to follow these procedures may result in the imposition of sanctions by the  
2 court.

3 10. The Clerk of the Court is directed to serve a copy of this order via fax on the Litigation  
4 Office at California State Prison, Corcoran at (559) 992-7372 or via email.

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6 IT IS SO ORDERED.

7 Dated: April 18, 2024

8 /s/ Barbara A. McAuliffe  
9 UNITED STATES MAGISTRATE JUDGE  
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